

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 212 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA and  
MR.JUSTICE A.R.DAVE

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

-----  
GEB

Versus

KODARBHAI S PARMAR

-----  
Appearance:

MS SHRADDHA TRIVEDI for Petitioners  
MR HM PARIKH for Respondent No. 1, 2

-----  
CORAM : MR.JUSTICE N.J.PANDYA and  
MR.JUSTICE A.R.DAVE

Date of decision: 11/07/96

ORAL JUDGEMENT

The appeal is taken up for final hearing with the consent of both the parties.

2. The fact that deceased Shakarabhai died as a result of electrocution is not in dispute. The datum

figure taken by the learned Judge, while discussing issues No.4 & 5 is Rs.5600/- per annum and for a man aged about 50 years, in respect of claimants respectively aged 33 years and 18 years, multiple of 15 has been applied. Obviously, that is much too on higher side. Taking the overall view of the matter, this multiple is required to be reduced. Accordingly, in place of 15, the multiple employed is 11. We may place here on record that for this purpose, we have taken assistance from, Second Schedule of Motor Vehicle Act 1988. By amendment in this Act, the Parliament has tried to bring about unanimity in assessing compensation in respect of death, no doubt, arising out of motor Vehicles Act. However, in case of death due to electrocution also, so far as compensation asked in concerned, in our opinion, for the purpose of atleast applying adequate multiple, assistance of the aforesaid schedule can be taken. On that basis, if the quantum is worked out, it will be Rs.61,600/towards economic loss in place of Rs.84,000/-. The trial Court has also awarded Rs.25,000/- under different heads and we do not see any reason to disturb the same. The total amount thus awarded comes to Rs.86,600/- in place of Rs.1,09,000/- as awarded by the trial Court. The amount thus reduced comes to Rs.22,400/-. This will have impact on the cost and interest as awarded by the trial Court on pro-rata basis. The judgement and decree of Jt.Civil Judge (SD), 5th Court, Nadiad passed in Special Suit No.58 of 1992 on 21-10-1995 is accordingly modified. The appeal stands partly allowed.

3. The rate of interest awarded by the trial Court remains the same and it will be applied to the said amount awarded namely Rs.86,600/- and on that basis the appellant shall deposit the amount in the trial Court within 8 weeks from today. The appeal is disposed of accordingly with no order as to costs. Civil Application is also disposed of accordingly. Rule is discharged and stay is vacated in view of the final disposal of the appeal.